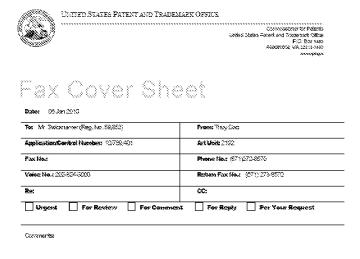## REMARKS

The following comments are responsive to the Final Office Action mailed November 3, 2009 ("Action"). Reconsideration and allowance of the claims are requested based on the above amendments and the below remarks.

Telephonic Interview

Preliminarily, Applicants wish to thank the Examiner for the courtesies extended to their representatives during the telephonic interview on January 7, 2010. The following remarks include Applicants' substance of interview pursuant to MPEP § 713.04.

In preparation for the interview, Examiner Dao graciously provided the following note, identifying a proposed amendment that would appear to place the case in condition for allowance:

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Preparation for the telephonic interview on January 7, 2010.

Mr. Swickhamer,
    From the Interview Agenda faxed on January 6, 2010, claim 34, and FIG. 4,
block 445R, examiner respectfully proposes claim amendments to put the case in
condition for allowance as follows.

1. A method for processing a p-code file, comprising:
    analyzing p-code methods within said p-code file by a computer to determine a
resource utilization for the p-code methods;
    identifying one or more analyzed p-code methods that have a resource utilization
parameter above a threshold level;
    annotating said identified p-code methods to be compiled, said annotating
comprising inserting an in-line priority level hint for each annotated p-code method, said
priority level hints being hierarchically-related and collectively representing a
hierarchical order, said priority level hints enabling preferential processing of said
annotated p-code methods in a hierarchical manner corresponding to said hierarchical
order of said priority level hints, wherein said annotating comprises selectively setting
each of a plurality of normally unused bits within a method access flag field of an
identified class file, wherein said unused bits are selectively set to define thereby said
priority level hint of a respective annotated p-code method;
    replacing one or more lines of instructions in the p-code file with compiled code
for the [identified] annotated p-code methods; [[and]]
    communicating the p-code file including compiled code for the annotated p-code
methods via a network to a target environment for execution of the compiled code for
the annotated p-code methods and interpretation of uncompiled instructions in the
communicated p-code file; and
    managing storage of the annotated p-code methods in a cache memory
according to usage statistics, code size, and frequency of execution of the annotated p-
code methods.

    Please wait for a final prior art search and decision/approval from a patent
primary examiner.

Thanks,
Twee Bao AU2192

During the interview, Applicants' representative discussed the examiner's proposal. Applicants agreed to consider amending the claims as suggested and, by this amendment, have adopted the proposed claim language to expedite prosecution. Accordingly, Applicants submit that the present paper places this case in condition for allowance.

Claim Objections

The Action objects to claims 34 and 43 for minor informalities. These claims have been amended as suggested in the Action. Applicants respectfully request that the claim objections be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3, 6, 7, 10-13, 35, 37-41, and 44-47 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Hölzle (U.S. Patent No. 6,240,548) in view of Beadle (U.S. Patent No. 6,530,075).

Claims 34, 43, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hölzle in view of Beadle and Cierniak (U.S. Patent No. 7,103,723).

Applicants respectfully traverse for at least the following reasons.

Independent claims 1, 35, and 44 have been amended to include the proposed claim language to place the application in condition for allowance. Accordingly, Applicants submit that claims 1, 35, and 44 define over the cited references and respectfully request that the rejections under 35 U.S.C. § 103 be withdrawn.

The pending claims that respectively depend on independent claims 1, 35, and 44 are allowable at least due to their dependence on an allowable claim, and further in view of the various features recited therein and addressed in prior responses.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: February 3, 2010

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